1947: K File No. O. Press Regis 47

Legal DEPARTMENT

A BRANCH

Subject:—

Opinions under the Press Registration of Books Act 186,

DHE

File No.
td. Sectt. Slip 24 B e.

O. Press Regis. 47

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C O N T E N T S.

Legal Department File No. O. Press Registration /1947.

Sr. no.	Compilation No.	Subject.	Pages
		Opinions Under the Press Registration of Books Act, 1867.	
1.	O.NO. 9693 / 3-10-47.	Question whether there is any provision in the Act or in the I.P. (E.P.) Act, 1931, under which the Dist. Magistrate can refuse permission to file a declaration & that he can take is to ask for security under S.7(1) of the later Act.	1-2
2.	O.No. 11473 / 1-12-47	Sections 5(2) and 6. Question whether there would be any objection to the publisher publishing the newspaper without waiting for the authentication of his declaration as soon as a declaration is made.	3-4
3.	O.No. 11829 / 9-12-47.	Sections 4(1) and 12(1) Question whether the order declaring all copies of the issue of the newspaper "Sandesh" dt. 21-4-1918, forfeited to His Majesty amounts to a ban on that issue of the newspaper in as much as every copy of that issue is liable to be seized.	5-6

L.O. R.I. No. 10857, dated 17-9-1947.

Submitted.

Comrade Rasik Bhatt, member of the Editorial Board of the Toiler's Front and trade union leader of Ahmedabad, filed an application before the Addl. D.M., Abad declaring himself as publisher of a weekly Gujrathi Journal entitled "Panchayat" His application was not granted by the Magistrate. This actio of the Magistrate was criticised in a newspaper and Govt. noticing it, called for the remarks of the Magistrate. From the Magistrate's report it appears that permission to file the declaration has been refused on account of the bad antecedents of the applicant. The Home Deptt. (Political) is of opinion that Magistrate's action is unauthorised; that there is no provision in the Press and Registration of Books Act, 1867, or in the Indian Press (Emergency Powers) Act, 1931, under which the D.M. can refuse permission to file a declaratic and that the only action that the D.M. could have taken was to ask for security under section 7(1) of the I.P. (E.P.) Act. (vide H.D. note at p.11 ante).

The R.L.A. is requested to advise whether the positio stated above is correct or not.

JPE. 7/5/56. 4c.

Office of the R.L.A.

Declaration under Sec.5(2) of the Press and Registration of Books Act, 1867.

The view taken by A.S. (H.D) in para. 3 of his note at pp. 21-22 is correct. As soon as a declaration is made under Section 5(2) of the Press and Registration of Books Act, 1867, there would be no objection to the publisher publishing the newspaper without waiting for the authentication of his declaration under section 6.

O.C. Id/- P.M.L.

Remembrancer of Legal Affairs.

U.R. to H.D. (Poll), No. 11473, dated 1/12/1947.

JPE 7/5/56. 4c.

Office of the R.L.A.

Ban on Sandesh
Indian Press Act, 1910.

By order dated 9-7-1918 passed under section 4(1) of the Indian Press Act, 1910 Government declared that all copies of the issue of the newspaper "Sandesh" dated 21-4-1918 should be forfeited to His Majesty. That order amounts to a ban on that issue of the newspaper inas much as every copy of that issue is liable to be seized (se section 12(1) of that Act).

O.C.

Id/- P.M.L.
8/12
Remembrancer of Legal Affairs.

U.R. To H.D. No. 11829, dated the 9th December 1947.

JPM 7/5/56. 4c.